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# Right of peoples to self-determination

## Report of the Third Committee

*Rapporteur*: Mr. Carlos Enrique **García González** (El Salvador)

## I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Committee held a general discussion on agenda item 104 jointly with item 103 at its 35th, 36th and 38th meetings, on 3, 4 and 8 November, and considered proposals and took action on item 104 at its 43rd to 45th, 49th, 51st and 52nd meetings, from 15 to 17 and on 19 and 23 November 2004. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/59/SR.35, 36, 38, 43-45, 49, 51 and 52).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the right of peoples to self-determination (A/59/376);

(b) Note by the Secretary-General transmitting a report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/59/191);

(c) Letter dated 16 March 2004 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council (A/59/66-S/2004/219);

(d) Letter dated 1 October 2004 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the annual coordination meeting of Ministers for Foreign

Affairs of the States members of the Organization of the Islamic Conference (A/59/425-S/2004/808);

(e) Identical letters dated 8 October 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council (A/59/427-S/2004/806).

4. At the 35th meeting, on 3 November, the Director of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/59/SR.35).

5. At the same meeting, the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made an introductory statement. The Committee engaged in a question-and-answer session with the Special Rapporteur, in which the representative of Cuba spoke (see A/C.3/59/SR.35).

# II. Consideration of proposals

## A. Draft resolution A/C.3/59/L.68

6. At the 44th meeting, on 16 November, the representative of Cuba, on behalf of Algeria, Angola, Burundi, China, the Comoros, Costa Rica, Cuba, the Democratic Republic of the Congo, the Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Guinea-Bissau, India, the Islamic Republic of Iran, the Lao People's Democratic Republic, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Malawi, Myanmar, Namibia, Nigeria, Pakistan, Peru, the Russian Federation, the Sudan, the Syrian Arab Republic, Togo, the Bolivarian Republic of Venezuela, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/59/L.68) entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination". Subsequently, Benin, Botswana, Cambodia, the Dominican Republic, Equatorial Guinea, the Gambia, Kenya, Sierra Leone, Somalia, Swaziland and the United Republic of Tanzania joined in sponsoring the draft resolution.

7. At the same meeting, the representative of Chile made a statement (see A/C.3/59/SR.44).

8. At the 49th meeting, on 19 November, the Secretary read out a statement regarding financial provisions relating to the draft resolution (see A/C.3/59/SR.49).

9. Also at the 49th meeting, the representative of Cuba made a statement (ibid.).

10. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.68 by a recorded vote of 115 to 45, with 10 abstentions (see para. 20, draft resolution I). The voting was as follows:

*In favour*:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cuba,

Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against*:

Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, Norway, Palau, Poland, Portugal, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining*:

Australia, Kazakhstan, Liechtenstein, New Zealand, Republic of Korea, Republic of Moldova, San Marino, Switzerland, Ukraine, Uzbekistan.

11. Before the vote, statements were made by the representatives of the United States of America and the Netherlands (on behalf of the European Union); after the adoption of the draft resolution, the representative of Argentina made a statement in explanation of vote. The representative of Barbados also made a statement (see A/C.3/59/SR.49).

## B. Draft resolution A/C.3/59/L.70 and Rev.1

12. At the 43rd meeting, on 15 November, the representative of Egypt, on behalf of Algeria, Bahrain, Bangladesh, Belize, Brunei Darussalam, China, the Comoros, Cuba, the Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Guinea, Indonesia, Iraq, Jordan, Kuwait, the Lao People's Democratic Republic, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mali, Malta, Mauritania, Morocco, Namibia, Oman, Pakistan, Qatar, Saint Lucia, Saudi Arabia, Senegal, Somalia, South Africa, the Sudan, Timor-Leste, Tunisia, the United Arab Emirates, Viet Nam, Yemen and Palestine, introduced a draft resolution (A/C.3/59/L.70) entitled "The right of the Palestinian people to self-determination". Subsequently, the Democratic People's Republic of Korea, Ecuador, Guinea-Bissau, Nigeria and Zimbabwe joined in sponsoring the draft resolution, which read as follows:

"*The General Assembly*,

"*Aware* that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

"*Recalling* in this regard its resolution 2625 (XXV) of 24 October 1970, entitled 'Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations',

"*Bearing in mind* the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,

"*Recalling* the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

"*Recalling also* the United Nations Millennium Declaration,

"*Taking into account* the Advisory Opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, issued on 9 July 2004, and noting in particular the determination of the Court that the 'right of peoples to self-determination is today a right erga omnes',

"*Concerned* by the fact that, as concluded by the Court in its Advisory Opinion, the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

"*Expressing the urgent need* for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a final settlement between the Palestinian and Israeli sides,

"*Recalling* its resolution 58/292 of 6 May 2004,

"*Affirming* the right of all States in the region to live in peace within secure and internationally recognized borders,

"1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

"2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination."

13. At its 52nd meeting, on 23 November, the Committee had before it a revised draft resolution (A/C.3/59/L.70/Rev.1) submitted by Algeria, Andorra, Armenia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cape Verde, China, the Comoros, the Congo, Cuba, Cyprus, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Finland, France, the

Gambia, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iraq, Ireland, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, the Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Monaco, Morocco, Namibia, the Netherlands, the Niger, Nigeria, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Romania, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Somalia, South Africa, Spain, the Sudan, Swaziland, Sweden, Timor-Leste, Tunisia, Turkey, the United Arab Emirates, the United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe and Palestine. Subsequently, Afghanistan, Albania, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, the Central African Republic, Grenada, Iceland, Liberia, Madagascar, Switzerland, Ukraine and the Bolivarian Republic of Venezuela joined in sponsoring the revised draft resolution.

14. At the same meeting, statements were made by the representatives of Egypt, the Netherlands (on behalf of the European Union) and the Bolivarian Republic of Venezuela (see A/C.3/59/SR.52).

15. Also at the 52nd meeting, the Committee adopted draft resolution A/C.3/59/L.70/Rev.1 by a recorded vote of 169 to 5, with 4 abstentions (see para. 20, draft resolution II). The voting was as follows:[1]

*In favour*:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates,

[1] The delegation of Mali subsequently indicated that, had it been present, it would have voted in favour.

United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against*:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

*Abstaining*:

Australia, Honduras, Papua New Guinea, Tuvalu.

16. After the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Israel, Australia, Canada and Argentina. The observer of Palestine also made a statement (see A/C.3/59/SR.52).

## C. Draft resolution A/C.3/59/L.75

17. At the 45th meeting, on 17 November, the representative of Pakistan, on behalf of Algeria, Azerbaijan, Bangladesh, Burkina Faso, Egypt, Eritrea, the Islamic Republic of Iran, Kuwait, the Libyan Arab Jamahiriya, Malaysia, the Niger, Nigeria, Pakistan and Qatar, introduced a draft resolution (A/C.3/59/L.75) entitled "Universal realization of the right of peoples to self-determination". Subsequently, Armenia, Benin, Bahrain, Brunei Darussalam, Burkina Faso, Cameroon, Jordan, Oman, Saudi Arabia, Singapore, Somalia, Thailand and the United Arab Emirates joined in sponsoring the draft resolution, and Nigeria withdrew from the list of sponsors.

18. At the 51st meeting, on 23 November, following a statement by the representative of Pakistan (see A/C.3/59/SR.51), the Committee adopted draft resolution A/C.3/59/L.75 without a vote (see para. 20, draft resolution III).

19. After the adoption of the draft resolution, statements were made by the representatives of Algeria, Argentina and the Netherlands (on behalf of the European Union) (ibid.).

# III. Recommendations of the Third Committee

20. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

## Draft resolution I
## Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

*The General Assembly*,

*Recalling* its resolution 58/162 of 22 December 2003, and taking note of Commission on Human Rights resolution 2004/5 of 8 April 2004,[1]

*Recalling also* all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[2] as well as the African Union,

*Reaffirming* the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

*Reaffirming also* that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

*Reaffirming further* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

*Alarmed and concerned* at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

*Deeply concerned* at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[3] Resolution 2625 (XXV), annex.

*Extremely alarmed and concerned* about recent mercenary activities in Africa and the threat they pose to the integrity of and respect for the constitutional order of those countries,

*Convinced* that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Takes note* of the brief report prepared by the Office of the United Nations High Commissioner for Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;[4]

2. *Welcomes* the appointment of Shaista Shameem as Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, and encourages her to continue and further advance the valuable work done and the important contributions made by Enrique Bernales Ballesteros during sixteen years in the discharge of his mandate;

3. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

4. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

5. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

6. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

7. *Welcomes* the entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[5] and calls upon all States that have not yet done so to consider taking the necessary action to accede to or ratify the Convention;

8. *Welcomes also* the cooperation extended by those countries that have received visits from the Special Rapporteur and the adoption by some States of

[4] See A/59/191.

[5] Resolution 44/34, annex.

national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Condemns* recent mercenary activities in Africa and commends the African Governments on their collaboration in thwarting these illegal actions, which posed a threat to the integrity of and respect for the constitutional order of these countries and the exercise of the right to self-determination of their peoples;

10. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

11. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

12. *Requests* the new Special Rapporteur on mercenaries to circulate to States and consult with them on the new proposal for a legal definition of a mercenary drafted by the former Special Rapporteur[6] and to report her findings to the Commission on Human Rights and the General Assembly;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

14. *Also requests* the Office of the United Nations High Commissioner for Human Rights to convene a third meeting of experts on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, respecting the main objectives defined in paragraph 16 of Commission on Human Rights resolution 2004/5 of 8 April 2004;[1]

15. *Requests* the Special Rapporteur to continue to take into account, in the discharge of her mandate, the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities, and, in this regard, requests her to pay particular attention to the impact of the activities of private companies offering military assistance, consultancy and security services on the international market on the exercise of the right of peoples to self-determination;

16. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of her mandate;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of her mandate, both professional and financial, including through the promotion of cooperation between the Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities;

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[6] See E/CN.4/2004/15, para. 47.

18. *Requests* the Special Rapporteur to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixtieth session her findings on the use of mercenaries to undermine the right of peoples to self-determination;

19. *Decides* to consider at its sixtieth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

## Draft resolution II
## The right of the Palestinian people to self-determination

*The General Assembly*,

*Aware* that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

*Recalling* in this regard its resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

*Bearing in mind* the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

*Recalling* the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

*Recalling also* the United Nations Millennium Declaration,[6]

*Recalling further* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,

*Recalling* the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

*Expressing the urgent need* for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a final settlement between the Palestinian and Israeli sides,

*Recalling* its resolution 58/292 of 6 May 2004,

*Affirming* the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

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[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] See resolution 50/6.
[6] See resolution 55/2.
[7] See A/ES-10/273 and Corr.1.

## Draft resolution III
## Universal realization of the right of peoples to self-determination

*The General Assembly*,

*Reaffirming* the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

*Welcoming* the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

*Deeply concerned* at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

*Expressing grave concern* that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

*Recalling* the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixtieth[2] and previous sessions,

*Reaffirming* its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 58/161 of 22 December 2003,

*Reaffirming also* its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, which, inter alia, upholds the right to self-determination of peoples under colonial domination and foreign occupation,

*Taking note* of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of

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[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23) chap. II, sect. A.

[3] A/59/376.

repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its sixtieth session under the item entitled "Right of peoples to self-determination".